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UNCLAS SECTION 01 OF 02 HO CHI MINH CITY 000816

SIPDIS

SENSITIVE

DEPARTMENT FOR EAP/BCLTV, DRL/IRF, DRL

E.O. 12958: N/A

TAGS: PHUM SOCI PREL PGOV KIRF VM

SUBJECT: PASTOR TRUONG STILL IN THE ASYLUM -- ACTION REQUEST

REF: A) Hanoi 1781; B) Hanoi 1434 (notal); C) Hanoi 1389;
D) HCMC 581 E) Hanoi 1379 F) HCMC 493

11. (U) This is an action request which has been cleared by Embassy Hanoi. Please see paragraph 7.

12. (SBU) Baptist Pastor Than Van Truong remains confined in the criminal ward of Central Mental Hospital #2 in Dong Nai province with no resolution of his case in sight. Over the past month, Dong Nai officials have hardened their stance and now appear unwilling to release him. According to Truong's lawyer Nguyen Van Dai and Truong's former attending physician in the hospital (both strictly protect), in June, the hospital had concluded that Truong was "healthy enough to be treated at home" and recommended his release. At that time, the hospital director reportedly had told Dai that Truong had the mental capacity to be responsible criminally and it was not necessary to continue forced medical treatment measures. The Director said that he would propose to the Prosecutor's office to release the Pastor. Two weeks later, the Director told Dai that he had reported to the Dong Nai Prosecutor only that "Truong had made some progress." The Prosecutor then ordered that treatment be continued until Truong had "recovered fully." Separately, on June 27, the Chairman of the Dong Nai People's Committee responded to a ConGen inquiry writing that: "Than Van Truong is a Vietnamese citizen who violated Vietnamese law. His mandatory medical treatment strictly follows procedures set by law."

13. (SBU) In July, Dai said he spent a week in Dong Nai seeking a meeting with the Prosecutor, but was rebuffed. According to Dai, the Prosecutor also separately refused to meet Truong's wife on July 27. On the recommendation of Dai, Truong's wife filed a motion in the Dong Nai criminal courts challenging the October 2004 decision to involuntarily commit the pastor. He does not hold hope that this legal gambit will succeed, however.

14. (SBU) On July 5, ten leaders of the Protestant house church community visited Truong at the hospital. One of the pastors, Pham Dinh Nhan (strictly protect), told us that they had spent nearly three hours meeting and praying with Truong. (Dai forwarded us digital pictures of the pastors' meeting with Truong.) According to Nhan, the pastors were convinced that Truong showed no signs of mental illness and agreed to petition the GVN and Dong Nai authorities requesting Truong's release. Nhan added that several days after his visit, other pastors visited Truong at the hospital and reportedly saw a notice reading "no pictures, no prayer."

15. (SBU) We understand from a British colleague that in late June Truong was placed on the EU list of prisoners and detainees of concern. Following that decision, the British requested the MFA to facilitate a meeting between its EmbOffs and Truong, but the MFA has not yet replied. Separately, Dai added that in July he also briefed a visiting German human rights rapporteur in Hanoi, who promised to raise the Truong case with the GVN.

16. (SBU) Mission officers have repeatedly raised Truong's case at all levels of the GVN. The Ambassador raised it most recently with Assistant FM Nguyen Duc Hung on July 28; previously he raised the case with Vice Foreign Minister Le Van Bang on July 11 (ref A). On June 14, the Ambassador had a lengthy exchange on Truong's case with Vice Minister of Public Security Nguyen Van Huong (ref B) in which Huong stated that Truong's continued confinement was a "health official's decision" and that the GVN "does not use mental hospitals to address security issues." Recent developments appear to contradict VM Huong's assurances to the Ambassador.

17. (SBU) Action Request: Dai believes that he has no further legal or lobbying options that he can pursue in Dong Nai. In light of the lack of progress in securing Truong's release, Mission believes a Washington approach is now warranted. Mission requests the Department express to the Vietnamese Embassy in Washington our concerns over the Truong case. Possible talking points are provided below.

18. (SBU) Begin Talking Points:

-- There is a situation in Dong Nai Province that we want to bring to your attention as it has been attracting the attention of an increasing number of Americans, including Members of Congress.

-- This is a case involving Than Van Truong, who was involuntarily committed to a mental institution in Dong Nai, apparently for the peaceful expression of his religious and political beliefs.

-- In July 2004, Truong's wife was informed that he had been taken to a mental hospital for diagnosis.

-- On September 30, 2004, the Ministry of Public Security in Dong Nai and the provincial prosecutor's office administratively ordered that Truong be admitted to the criminal ward of Bien Hoa Mental Hospital.

-- Officials in Dong Nai have confirmed to our Consulate in Ho Chi Minh City that Truong is not violent, nor does he pose a threat to himself, his family, or to others. We understand that medical professionals have concluded that Truong does not need to be in a mental institution.

-- We want to continue to focus on the positive following the very successful visit of the PM to the United States. This means that we need to work quickly and effectively together to resolve areas of dispute whenever possible before they become a more serious and publicly contentious issue.

-- In the case of Truong, we urge that he be released promptly and unconditionally, lest his continued confinement lead an increasing number of Americans and other international observers conclude that he is only being punished -- by being detained in a mental institution -- for having peacefully expressed his religious and political views.

End Talking Points.

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